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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

OREGON TRADESWOMEN, INC., et al., Case No.: 3:21-cv-89-YY

Plaintiffs

v.

Defendants'
STATUS REPORT AND UNOPPOSED
MOTION FOR STAY

U.S. DEPARTMENT OF LABOR, et al.,

Defendants

Defendants U.S. Department of Labor; Office of Federal Contract Compliance Programs;

Martin J. Walsh, Secretary of Labor; and Jenny Yang, Director, Office of Federal Contract

Compliance Programs, request that the Court extend the present stay of this action for an additional 90 days (until August 9, 2021), because the Department of Labor intends to propose

rescission of the rule at issue in this case. The defendants have discussed this request with the plaintiffs, who indicated they do not oppose the motion.

The plaintiff organizations challenge a rule issued by the Department of Labor in December 2020, *Implementing Legal Requirements Regarding the Equal Opportunity Clause's Religious Exemption*, 85 Fed. Reg. 79,324 (Dec. 9, 2020), asserting claims under the Administrative Procedure Act, 5 U.S.C. §§ 551–559, 701–706. *See* First Am. Compl. for Declaratory and Injunctive Relief, ECF No. 13. The Defendants' Unopposed Motion for Stay, ECF No. 15, advised the Court that the Department of Labor intends to propose rescission of the December 2020 rule. The defendants requested a stay until May 11, 2021, which the Court granted, Order, ECF No. 16.

As indicated in the Defendants' Status Report, ECF No. 21, on March 22, 2021, the Department of Labor submitted a notice of proposed rescission of the rule to the Office of Information and Regulatory Affairs (OIRA) within the White House Office of Management and Budget. *See* Pending EO 12866 Regulatory Review, <https://www.reginfo.gov/public/do/eoDetails?rrid=156665> (last visited May 10, 2021). After OIRA completes its review of the notice, the Department of Labor anticipates publishing the notice in the Federal Register. OIRA is permitted to take up to 90 days to complete its review.

In light of the agency's intentions, the defendants request that the Court extend the stay of this action for an additional 90 days (until August 9, 2021). At the end of the 90-day period (by August 9, 2021), the defendants will file a further status report and any request to extend the stay, if appropriate.

The defendants discussed this request with the plaintiffs, and the plaintiffs indicated that they do not oppose the request.

Accordingly, the defendants request that the Court extend the stay in this action for 90 days (until August 9, 2021).

Date: May 10, 2021

Respectfully submitted,

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